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International Bridges to Justice (IBJ) - Criminal Defence Training

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INTERNATIONAL BRIDGES TO JUSTICE (IBJ)

Criminal Defence Training

Beneficiary country: Various Asian countries



Criminal justice systems across the world continue to be plagued by problems such as arbitrary detention, torture and an inadequate knowledge of the rights of defendants. IBJ hopes to establish a legal resource hub for criminal defenders and justice practitioners across Asia by taking a collaborative and proactive approach with Asian governments and fostering leadership and innovation in the area of criminal justice reform.

THE THEORY/PROBLEM

Despite codified international criminal justice conventions, arbitrary detention, torture, and denial of access to legal counsel continue to be the norm in many parts of the developing world. There seems to be a gap between these societies' aspirations to redress such problems, evidenced by their *de jure* adoption of domestic legal reforms, and the *de facto* reality. Notwithstanding the willingness of criminal defence lawyers to commit their time and energy towards fulfilling the promise of progress, the lack of training and support for those lawyers hinders their efforts.

THE INNOVATIVE IDEA

IBJ is catalysing the evolution of the criminal justice system in Asia by building a comprehensive legal resources hub in Singapore.

IBJ will take a collaborative and proactive approach with Asian governments, fostering leadership and innovation in the area of criminal justice reform. It will aspire towards a multi-disciplinary training model across the region in collaboration with other legal and academic institutions.

Organisation Bio

International Bridges to Justice (IBJ) is an independent, non-profit and non-governmental organisation founded in 2000 that strives to protect due process and achieve fair trials for the accused throughout the world. In countries where governmental commitment to human rights principles has, as of yet, failed to meet its practical goal, IBJ fills the gap between human rights legislation and domestic implementation.

<http://www.ibj.org/about-us>

HOW IT WORKS

This hub will conduct in-person trainings and also offer online resources for practitioners' easy access. Participants in the trainings will include 11 practitioners in Asia who have been selected through a competition called JusticeMakers. They will receive funding, training, and a network of support to implement their access-to-justice initiatives, each of which have been designed to advance reforms in their respective justice systems.

The project is being implemented in three phases. Months 1-8 have focused on building the hub's operational infrastructure, including securing office space and staff, and the selection of the eleven JusticeMakers Fellows. Months 9-16 will see the 11 selected JusticeMakers Fellows paving the way for interaction with their local justice systems. At the same time, the online training platform will be evaluated. Months 17-24 will focus on the evaluation of the Fellows' projects and packaging of online courses.

STEPS TAKEN TO IMPLEMENT PROJECT

Since receiving the Lien i3 award, IBJ successfully completed the 2010 Asia JusticeMakers Competition. The next step will be to fund and train the 11 selected legal rights entrepreneurs. Management and training of the class of 2010 JusticeMakers Fellows will take place in Singapore.

Preparations for the competition included:

- upgrades to the website;
- creation of a competition partnership network spanning nearly two-dozen Asian countries;
- development of tools and resources to enable the partners to assist with promotion¹; and
- confirmation of judges/screeners for project evaluation.

The judges included²:

- Daniel R. Fung – President of The Board of directors of International Bridges to Justice
- Karen Tse – CEO and Founder of International Bridges to Justice
- Subhas Anandan – Head of The Criminal Law Department at KhattarWong
- Persida V. Rueda-Acosta – Chief Public Attorney of the Philippines Public Attorney's Office
- Professor Howard Hunter – President and Professor of Law at Singapore Management University
- Philip Jeyaretnam S.C. – Partner in The Law Firm of Rodyk & Davidson LLP
- Hon. Wilhelmina M. Wright – Judge at The Minnesota Court of Appeals
- Sidharth Luthra – Senior Advocate in India
- Teri Ng – Retired Attorney, formerly Head of Microsoft's Legal Department in China

There were 112 applicants from 22 countries: Afghanistan, Azerbaijan, Bangladesh, Cambodia, China, Georgia, India, Indonesia, Iran, Israel, Kazakhstan, Kyrgyzstan, Malaysia, Mongolia, Myanmar, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, the United Arab Emirates, and Vietnam.

The winners were³:

- Muhammad Waqas Abid (Pakistan)
- Oanh Hoang Ngo (Vietnam)
- H M. Harshi Chitrangi Perera (Sri Lanka)
- Ajeng Larasati (Indonesia)
- Rosselynn Jaye Garcia de la Cruz (the Philippines)
- Rasul Agagasan Jafarov (Azerbaijan)
- Nana Chapidze (Georgia)
- Yasmeen Shariff (Malaysia)
- Bijaya Chanda (India)
- Shahanur Islam (Bangladesh)
- Junaid Khalid (Pakistan)



Weidman Philippines photo: New inmates at an orientation on their rights in the Philippines' legal system



An event in Karachi promoting IBJ's 2010 Asia JusticeMakers Competition

In concert with the JusticeMakers competition, IBJ has also launched the IBJ Legal Training Resource Centre.⁴ Through this website, lawyers worldwide can access, on-demand, a curriculum of interactive eLearning courses on criminal practice that IBJ is developing. These lessons, covering both general and country-specific subject areas, aim to empower defenders to safeguard the rights of the criminally accused more effectively.

Additionally, through JusticeMakers and the Legal Training Resource Centre, IBJ strives to connect criminal defence attorneys to one another, both as a network of support, and as resources for practical expertise. For instance, participants are invited to contribute their knowledge to the IBJ Defence Wiki⁵, a collaboratively-edited site with a growing number of articles covering a diverse array of subjects relating to criminal defence.

Lastly, IBJ is opening the Singapore Justice Training Centre. Initial activities have included:

- establishment of IBJ as a registered entity in Singapore;
- procurement of office space; and
- preparation for a two-week training summit that will include IBJ Fellows from around the world as well as the 2010 Asia JusticeMakers Fellows.

IMMEDIATE CHALLENGES TO PROJECT

IBJ's desire to launch a JusticeMakers competition in Asia posed major challenges, given the continent's cultural diversity.

In light of our inability to effectively communicate in every language spoken by the diverse populations of Asia, a decision was taken to conduct the application process solely in English. Unfortunately, this tended

to exclude many legal-entrepreneurs working at the grassroots level. To some degree, a partnership network has been able to mitigate this challenge through translation services. Still, there were several countries where partners lacked the capacity for such services, or where partners were lacking altogether. This was particularly true in Myanmar, Vietnam, and Laos. Nonetheless, IBJ received applications from many such countries, including a successful application from Vietnam.

Language barriers also present challenges to the development of the Legal Training Resource Centre. This is partially mitigated by IBJ's chosen platform, MOODLE, a popular open-source learning management system that permits content management in multiple languages (English, French, Mandarin, and Khmer, to name a few). To satisfy the demand for training materials in several different languages and adaptable to differing justice systems, IBJ has adopted a two-track approach: (1) general courses developed primarily in English and translated into other languages wherever possible, covering legal concepts and best practices which lend themselves to application across jurisdictional borders; and (2) country-specific curricula which will be developed in conjunction with bar associations and other legal experts in those countries.

Negotiating the tension between a need for transparency in conducting the JusticeMakers competition and ensuring that its participants felt secure sharing their ideas for legal reform was a second challenge. From a strategic standpoint, IBJ wanted as much information as possible to be public, so that the wide availability of these ideas could provide a stimulus for collaboration. By listening to users' feedback, however, we came to understand that we needed better tools to ensure privacy options, both for users and their ideas.

Power outages among users and intermittent Internet access have also been challenges for IBJ's JusticeMakers and eLearning projects. To this end, IBJ is selectively targeting countries with stable power supplies and high rates of Internet penetration to advance its eLearning project. IBJ's attempts to conduct outreach for the JusticeMakers competition by other, low-tech means (e.g. paper applications intended to be submitted by post), however, met with little success.

The shortage of financial resources continues to pose challenges in all aspects of IBJ's operations. Despite having to work within budgetary constraints, IBJ staff in Singapore successfully procured a donation of temporary office space.



2008 JusticeMakers Fellow Ram Kumar Bhandari speaking with road workers in Nepal

IBJ's ability to compensate for financial shortfalls in the JusticeMakers competition is due to the goodwill that IBJ has built with key partners. The professional⁶ quality of the JusticeMakers website is largely due to the generosity of pro bono software developers. Promotional events in target countries were financed through partner contributions. Management of the competition has been executed mostly by volunteers in Geneva and Singapore.

CHALLENGES THAT HAVE ARISEN, WHICH WERE NOT ANTICIPATED WHEN DRAFTING PROJECT PROPOSAL

IBJ met unexpected difficulty in recruiting JusticeMakers Fellowship applicants from criminal justice communities in countries surrounding Singapore. Relatively few applications were submitted from Laos, Myanmar, Malaysia, Thailand, and Vietnam. Even so, in the end, one Malaysian and one Vietnamese project each were among the successful applications.

COMMUNITY RESPONSE TO THE PROJECT

We received 112 applications from 22 countries. This was a significant improvement from the 64 applications for the 2008 pilot competition.

Our work with partners was also very successful. Without the promise of pay, exposure, or any other benefit, legal aid groups and NGOs throughout Asia demonstrated a willingness to promote JusticeMakers as part of their existing mission. Fifty-six partners worldwide joined IBJ in their support of this year's competition.⁷

COMMUNITY CONTRIBUTION OR PARTICIPATION IN PROJECT

Lawyers, defenders, and humanitarian workers worldwide eagerly shared their experiences through the JusticeMakers Fellowship application process.

Equally encouraging has been the response to IBJ's plan to use Singapore as a training hub. IBJ has held regular meetings with various stakeholders in Singapore, many of which have resulted in offers of additional support and introductions to key allies.

¹ The JusticeMakers Partnership Programme. <http://www.justicemakers.net/partners>

² The JusticeMakers Competition 2010 Panel of Judges. <http://www.justicemakers.net/2010judges>

³ Recipients of the 2010 JusticeMakers Fellowship. <http://www.justicemakers.net/2010fellows>

⁴ IBJ Legal Training Resource Centre. <http://www.ibj.org/learning>

⁵ IBJ Defense Wiki - The Wiki for Criminal Defense Attorneys. <http://defensewiki.ibj.org>

⁶ JusticeMakers, a project of International Bridges to Justice. <http://www.justicemakers.net>

⁷ List of partners for the JusticeMakers Partnership Programme. <http://www.justicemakers.net/partners>